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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 5, 2013

Ms. Susan Spalding
Associate Director for RCRA Programs
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Ste. 1200
Mail Code: 6PD
Dallas, Texas 75202-2733

Dear Ms. Spalding:

The purpose of this letter is to expand upon recent discussions regarding the Exide property in Frisco, Texas. Specifically, whether there are any continuing issues concerning the closed cells of the Class 2 Nonhazardous Industrial Waste Landfill, the efficacy of the waste stabilizer used by Exide (Free Flow 100), and opportunities for public participation.

First, as to the question of whether there are continuing issues with the closed portion of the Class 2 Landfill, this will be thoroughly addressed through at least 2 different paths: 1) the recent TCEQ agreed enforcement order approved by the Commission on January 30, 2013; and 2) the closure process for the entire Exide property, including the Class 2 Landfill.

The enforcement order provides, among other requirements, that Exide implement a Response Action Work Plan (RAWP), submit an Affected Property Assessment Report (APAR), and conduct a groundwater monitoring program. These items, as well as information concerning Exide's use of Free Flow 100 and public participation, are more fully discussed below.

Enforcement Order - Response Action Work Plan

Ordering Provision 3.a. of the enforcement order requires Exide to implement a RAWP to remove and re-treat all lead-bearing and cadmium-bearing slag which exceeds the Land Disposal Restriction (LDR) Universal Treatment Standard (UTS) and properly dispose of such re-treated slag in accordance with the approved RAWP. As part of the development of the RAWP, an investigation involving the collection and analysis of 197 samples was performed by Exide's consultants on the active cells at the Class 2 Landfill, cells 10, 11 and 12. The RAWP requires excavation of contaminated areas to continue until acceptable confirmation results are received, the protective soil liner is encountered, or until the excavation adjoins an area previously sampled and shown to meet the UTS. The RAWP and its associated Dust Control and Air Monitoring Plans have undergone several revisions in response to TCEQ comments. The latest revision was in response to EPA and citizen comments. The final approved RAWP will include a provision requiring that any waste failing to pass the UTS after a single treatment be transported off site for treatment and disposal. The TCEQ anticipates issuing an approval of the revised RAWP shortly. The final document will be made available on the TCEQ public webpage for the Exide property.

Enforcement Order - Affected Property Assessment Report

Ordering Provision 3.c.ii. of the enforcement order requires Exide to submit an APAR that will address all solid waste management units on the property, including the Class 2 Landfill and the leachate collection pond. The APAR will identify all source areas for releases and evaluate constituents of concerns to document their nature and extent and evaluate if any response actions are necessary. Any applicable response actions would need to comply with the Texas Risk Reduction Program (TRRP) and would require approval by TCEQ.

Enforcement Order - Groundwater Monitoring Plan

Ordering Provision 3.b.ii. of the enforcement order requires Exide to submit for approval a groundwater monitoring program for the Class 2 Landfill. The groundwater monitoring system must generally meet the requirements of 30 TAC Section 335.164, Detection Monitoring. Additionally, groundwater analytical data from each well will be compared to applicable TRRP protective concentration levels (PCLs) to determine whether a release has occurred. If a release is detected, further assessment, monitoring and necessary corrective action will be required in accordance with Ordering Provision 3.c.ii as noted above. The groundwater monitoring program must demonstrate achievement of the PCLs for a minimum of three (3) consecutive years irrespective of whether a release(s) has occurred.

Class 2 Landfill Closure

Exide has ceased operations at its Frisco facility. The Class 2 Landfill therefore, will soon be undergoing closure and will be subject to the closure requirements of 30 TAC 335.8, including all applicable public participation requirements. This regulation incorporates TRRP requirements as set forth in 30 TAC 350. The closure plan would need to be approved by the TCEQ prior to implementation. The TCEQ will require Exide to provide as part of its closure plan waste documentation concerning the UTS and the closed Class 2 Landfill cells. This information will be necessary at closure in order to establish that the Class 2 Landfill is being closed in accordance with the proper regulatory requirements based on the classification of the waste disposed. In the absence of satisfactory information and data regarding the closed cells, further investigation and related action will be required.

Free Flow 100

As described in the Waste Stabilization Plan, included in Appendix A to the RAWP, Exide conducted bench scale testing of Free Flow 100 that demonstrated that UTS can be achieved using a 6% mix of Free Flow 100 to 94% slag. Prior to placement in the landfill, the facility must collect analytical data demonstrating the re-treated waste meets the UTS for lead and cadmium. As stated above, if after a single treatment the stabilization process is not effective in a given container, the TCEQ will require the waste to be managed as hazardous waste and treated and disposed of at an authorized off-site facility.

Public Participation for Projects and Activities

There have been and will continue to be opportunities for public participation as outlined below:

- Exide has hosted public meetings on December 12, 2012, and February 6, 2013.
- Exide has posted its Community Relations Plan on its website and is seeking public input. A separate plan, in conjunction with the City of Frisco, regarding the VCP tracts is pending.

Ms. Susan Spalding

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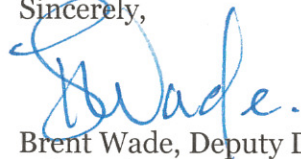
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- The TCEQ sought public comment for the proposed enforcement order and provided a response to comment. Additional public comment was taken at the Commission's agenda on January 30, 2013.
- The RAWP and its associated Dust Control and Air Monitoring Plans have undergone several revisions over the past year, the latest of which was in response to EPA and citizen comments.
- Decontamination and Demolition Plan and Air Monitoring and Dust Control Plan were subject to public comments (citizens and EPA) with a response by Exide.
- Implementation of any corrective measures will require public participation.
- Regarding the permitted facility investigation, Exide has committed to a public comment opportunity on the Remedial Action Plan and a response to comments.
- Exide has also committed to providing additional opportunities for public comment and response throughout the process.
- The TCEQ will ensure that public has opportunities to participate throughout the process, including the closure process for the Class 2 Landfill.

We will continue to work with Exide, EPA and the public to ensure proper assessment, cleanup and closure of the property.

If you have any additional questions, please contact Bill Shafford at (512) 239-6651 or Margaret Ligarde at (512) 239-3426.

Sincerely,



Brent Wade, Deputy Director

Office of Waste

Texas Commission on Environmental Quality

cc: Ms. Vanessa Coleman, Exide Technologies